



11 MAY 2007

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In re Application of  
SATO et al.

Application No.: 10/581,046

PCT No.: PCT/JP04/18266

Int. Filing: 08 December 2004

Priority Date: 09 December 2003

Attorney Docket No.: 11197/15

For: THERMOPLASTIC RESIN

COMPOSITION FOR MASTERBATCH,  
PROCESS FOR PRODUCING MOLDING  
MATERIAL COMPRISING THE SAME,  
THERMOPLASTIC . . . COMPOSITION

DECISION ON PETITION  
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 25 April 2007 to accept the application without the signature of joint inventor, Shigeru Yasuda. The \$200 petition fee has been submitted.

### **BACKGROUND**

On 08 December 2004, applicants filed international application PCT/JP04/18266 which claimed a priority date 09 December 2003. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 09 June 2006.

On 30 May 2006, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and a preliminary amendment.

On 18 January 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 March 2007, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 30 March 2007, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 25 April 2007, applicants filed the present renewed petition under 37 CFR 1.47(a).

### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. As previously stated, petitioner has satisfied items (1), (2) and (3).

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by five of the six inventors and including an unsigned signature box identifying the nonsigning inventor. This declaration is treated as having been executed by the available inventors on their own behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

### CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.47(a) is GRANTED.

The application has an international filing date of 08 December 2004 under 35 U.S.C. 363, and will be given a date of 25 April 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.



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FOR PRODUCING MOLDING MATERIAL COMPRISING THE SAME,  
THERMOPLASTIC RESIN COMPOSITION OBTAINED WITH THE SAME, AND  
PROCESS FOR PRODUCING THE COMPOSITION

Dear Shigeru Yasuda:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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